

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE GAP, INC.,

Plaintiff,

v.

Ponte Gadea NEW YORK LLC,

Defendant.

Case No. 20-cv-4541 (LTS) (KHP)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Declaration of Darryl R Graham and exhibits thereto, including the Declaration of Alina Toyos and the exhibits thereto, the Local Rule 56.1 Statement of Undisputed Material Facts, the accompanying Memorandum of law, and all prior pleadings and proceedings in this case, Defendant Ponte Gadea New York LLC (“Ponte Gadea”), by and through its attorneys, Akerman LLP, will move before the Honorable Laura Taylor Swain, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Federal Rule of Civil Procedure 56 granting summary judgment: (1) dismissing Gap’s Complaint in its entirety; (2) granting Ponte Gadea summary judgment on its Counterclaims; or alternatively, ordering Gap to pay Ponte Gadea use and occupancy for the Premises during the pendency of this litigation; and (3) granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Your Honor’s individual rule 2(b)(i), Ponte Gadea certifies that it has used its best efforts to resolve this dispute prior to filing this Notice of Motion, including sending a meet and confer letter on August 10, 2020 and conferring telephonically on August 13, 2020.

Dated: New York, New York
August 17, 2020

AKERMAN LLP

By: /s/ Darryl R. Graham
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